

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

MARCUS HINES

Petitioner,

v.

Case No. 2:04-cv-166
HON. R. ALLAN EDGAR

TERRY SHERMAN

Respondent.

_____/

MEMORANDUM AND ORDER

Petitioner Marcus Hines (“Hines”) has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petition was referred to Magistrate Judge Timothy P. Greeley for a report and recommendation under 28 U.S.C. § 636(b)(1)(B) and W.D. Mich. L Civ R 72.1(d). On April 24, 2007, the Magistrate Judge submitted his report and recommendation that the habeas petition be denied and dismissed with prejudice. [Doc. No. 31]. Hines has not timely filed any objections to the report and recommendation.

After reviewing the record, the Court **ACCEPTS** and **ADOPTS** the report and recommendation pursuant to 28 U.S.C. § 636(b)(1), Fed. R. Civ. P. 72(b), and W.D. Mich. LCivR 72.3(b). The habeas petition shall be **DENIED** and **DISMISSED WITH PREJUDICE**. A separate judgment will enter.

Any appeal by Hines from this decision would be frivolous. Hines has not made a substantial showing of a denial of a constitutional right. For the reasons expressed by the Magistrate Judge in the report and recommendation, a certificate of appealability shall be **DENIED** to Hines under 28 U.S.C. § 2253(c).

SO ORDERED

ENTER this the22nd day of May, 2007.

/s/ R. Allan Edgar
R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE